

**Before the
Federal Communication Commission
Washington, D.C. 20554**

In the Matter of)	
)	
The Missoula Plan Intercarrier)	Docket 01-92
Compensation Reform Plan)	

Comments of Aventure Communication Technology, L.L.C.

Aventure Communication Technology, L.L.C. ("Aventure") is a Competitive Local Exchange Carrier (CLEC) authorized to provide service in Iowa and Nebraska, and currently has an Application for Certificate on file with the South Dakota Commission. Aventure was formed in late 2005 to bring the promise of local telephone competition for all Americans in the 1996 Act to reality in rural areas of these states. Aventure has no affiliation with and is not owned by any Incumbent Local Exchange Carrier

Aventure is concerned that the Missoula Plan as currently put forth may have the unintended effect of stifling local competition in areas served by Incumbent Rural Local Exchange Carriers. Our primary concern is the lack of a provision to treat rural CLECs as Covered Rural Telephone Companies under the Missoula Plan.

Because the characteristics of a rural CLEC most closely resemble the characteristics of the Rural Incumbent Local Exchange Carrier that the rural CLEC competes with, Aventure believes rural CLECs need to be classified as Covered Rural Telephone Companies if the Missoula Plan is eventually adopted. To do otherwise could have the unintended consequence of creating a barrier to competition and the continuation of protected monopoly status for Incumbent Rural Local Exchange Carriers.

According to testimony of Douglas A. Boone, Chief Executive Officer, Premier Communications before the Senate Committee on Commerce, Science and Transportation on February 14, 2006:

I understand that competition is good. We are seeing its effects in every sector of the industry. However, for competition to be truly effective the playing field must be reasonably level. (emphasis added)

Aventure couldn't agree more. To create a carve-out for rural Incumbent Local Exchange Carriers and not provide the same carve-out for rural CLECs makes for a playing field skewed to the benefit of the incumbent carrier. When the FCC reduced the National Exchange Carrier Association ("NECA") rates in the MAG proceeding, they offset the reduction for NECA members with additional USF funding, but no offset was provided for rural CLECs. Clearly this action gave an advantage to incumbent carriers, which continues today.

Ten-years after The Communications Act of 1934, as amended was signed into law, most rural communities are still faced with a local telecommunications carrier that has a monopoly stranglehold on their community. Many issues contribute to this, including economics and barriers to competition. One glaring barrier to competition is the Rural Exemption contained in The Act. While originally conceived to protect small, rural carriers from having to develop and file tariffs for Unbundled Network Elements, the Rural Exemption has morphed into protection for rural companies from ANY competition. For instance, the following is an excerpt from the August 31, 2006 *The RIITA Monitor* published by the Rural Iowa Independent Telephone Association:

All RIITA members, because of our association bylaws, are incumbent local exchange carriers. But here is the catch: rural telephone companies are exempt from the ILEC requirements in section 251(c). RIITA's bylaws—in effect—also limits membership to rural telephone companies. (There are a handful of Iowa companies that have had their rural exemption lifted, but that does not disqualify them from membership.)

In other words, RIITA regular member that has not had its rural exemption lifted is not obligated to negotiate with other companies even though our companies are ILECs. Because our companies do not have a duty to negotiate, other carriers (like, say Sprint as it handles Mediacom traffic) generally claim that they are seeking interconnection under section 251(a) or 251(b) because our companies still have the duties of all phone companies and of LECs. *Our companies usually respond that they have no duty to negotiate, so they do not even have to sit down to discuss the interconnection proposal.* (emphasis added)

Unfortunately, regulatory action can have unintended consequences. By not granting rural CLECs Covered Rural Status and incorporating them in to the Restructure Mechanism proposed by the Missoula Plan, the unintended consequence may be to stifle any competition that has begun to work its way into rural America.

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